DOCUMENT RESUME

ED 128 141 RC 009 418

TITLE	Student Rights and Responsibilities (An Evaluation Report for School Year 1974-75). Research and Evaluation Report Series No. 25-C.
INSTITUTION	Bureau of Indian Affairs (Dept. of Interior), Albuquerque, N. Mex.
PUB DATE	Apr 76
NOTE	24p.; For related documents, see ED 093 539; ED 097 175
EDRS PRICE	MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS	Agency Role; *American Indians; Due Process; *Evaluation; Guidelines; School Policy; Student Behavior; *Student Responsibility; *Student Rights; *Student School Relationship
IDENTIFIERS	*Bureau of Indian Affairs Schools

ABSTRACT

The Bureau of Indian Affairs (BIA) operates approximately 222 schools, ranging from small 1-2 teacher day schools to large residential boarding schools. In September 1974, the BIA established student rights and due process procedures. All BIA schools were to develop a student rights and responsibility (SRR) program, initiated at the local school level and submitted through channels to the Indian Education Resources Center (IERC) for review and filing purposes. The program was to be implemented by January 1, 1975. The IERC was to conduct conferences in Student Rights and Responsibilities, maintain an accurate filing system, review the SRR programs, and conduct a follow-up and evaluation of the programs in the BIA. A SRR school report instrument was designed to determine if each school had developed and incorporated the basic guidelines established for SRR. To date, 206 SRR programs had been received, reviewed, approved, and filed by the IERC. Copies of the review guide, SRR Check Sheet, and school report form are appended. (NQ)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED128141

RESEARCH AND EVALUATION REPORT SERIES NO. 25-C

STUDENT RIGHTS AND RESPONSIBILITIES

(AN EVALUATION REPORT FOR SCHOOL YEAR 1974-75)

OFFICE OF INDIAN EDUCATION PROGRAMS
INDIAN EDUCATION RESOURCES CENTER
BUREAU OF INDIAN AFFAIRS
DIVISION OF EVALUATION, RESEARCH, AND DEVELOPMENT
P. O. BOX 1788
ALBUQUERQUE, NEW MEXICO 87103

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

R0094118

APRIL 1976

THOMAS S. KLEPPE, SECRETARY
DEPARTMENT OF THE INTERIOR

MORRIS THOMPSON, COMMISSIONER
BUREAU OF INDIAN AFFAIRS

WILLIAM DEMMERT, DIRECTOR
OFFICE OF INDIAN EDUCATION PROGRAMS
WASHINGTON, D.C.

WILLIAM J. BENHAM, ADMINISTRATOR
INDIAN EDUCATION RESOURCES CENTER

THOMAS R. HOPKINS, CHIEF
DIVISION OF EVALUATION, RESEARCH, AND DEVELOPMENT

PAUL L. SWARD, EDUCATION SPECIALIST
DIVISION OF EVALUATION, RESEARCH, AND DEVELOPMENT
ALBUQUERQUE, NEW MEXICO

TABLE OF CONTENTS

AN OVERVIEW 1

TECHNICAL DISCUSSION 3

CONFERENCES AND/OR CORRESPONDENCE

STUDENT RIGHTS AND RESPONSIBILITIES CONFERENCE 3
LAW-RELATED CURRICULUM GUIDES CONFERENCE 4
STUDENT RIGHTS AND RESPONSIBILITIES MEMO 4
STATUS REPORTS OF QUARTERLY CONFERENCES 4

ILLUSTRATION ONE 8

ILLUSTRATION TWO 9

ILLUSTRATION THREE 10

ILLUSTRATION FOUR 11

ILLUSTRATION FIVE 12

F I N D I N G S 13

R E C O M M E N D A T I O N S 14

APPENDIX A 15

APPENDIX B 16

APPENDIX C 18

BUREAU OF INDIAN AFFAIRS EDUCATION

An Overview

The Bureau of Indian Affairs operates approximately 222 schools serving 46,000 Indian youth from kindergartern through junior college, and geographically distributed from Alaska to Florida. The type of school varies as widely as the geographical distribution, from small 1-2 teacher day schools to large residential boarding schools. In addition, the Bureau is administered by 12 Area Offices. However, only 10 of these Areas operate education facilities.

On September 4, 1974, the BIA established student rights and due process procedures when they were published in the Federal Register, (Page 32741, Volume 39, Number 177, Title 25, Part 35).

Prior to the formalization of these regulations, a committee of professional educators in the Bureau convened in August 1973 to develop program guidelines. The draft of the guidelines was given wide circulation to BIA schools and to committees during December 1973 and January 1974. (See BIA RESEARCH AND EVALUATION REPORT SERIES Nos. 25, 25-A, and 25-B).

All schools under the jurisdiction of the BIA were to have developed a student rights and responsibility program initiated at the local school level, submitted through channels to the Indian Education Resources Center for review and filing purposes. The program was to be implemented by January 1, 1975. To date, all but 25 of the BIA and tribal-contract schools have submitted student codes of conduct.

It is also important to point out that a legal review is performed of each school code when they arrive at the Indian Education Resources Center. The review guide is contained in the Appendix of this report.

There are two problems that surfaced regarding the school codes: (1) there is some communication breakdown between Areas and schools that results in a lack of understanding about what is required of the school; (2) many elementary schools, especially day schools, did not see the need for developing school codes as they thought the program was designed for high schools only.

The only place where problem one has been pronounced is in the Juneau Area where there are vast distances to be covered and all are influenced greatly by extreme circumstances surrounding geographic isolation. It should be noted that in the history of Alaskan Education, this is nothing extraordinary. It is only extraordinary when compared to the less isolated circumstances which characterize the BIA operations outside of Alaska.

Of course, the program applies equally to elementary and secondary schools. It has to be handled differently in elementary schools and most are doing this. By the middle of the School Year 1975-1976, the problem with the elementary schools was diminishing.

The Field Solicitor's Office in Albuquerque has been very cooperative in providing staff and considerable time to determine whether the programs submitted to the IERC meet the legal specifications as established in 25 CFR, Part 35. A special "thank you" is respectfully submitted to the Albuquerque Field Solicitor's Office specifically to Mr. Barry Berkson, Esq., for his dedication and support in the development of student rights and responsibilities programs for the Bureau of Indian Affairs.

The Indian Education Resources Center assumed the major role in the initial stages by conducting conferences in Student Rights and Responsibilities, maintaining an accurate filing system, reviewing programs to be sure they conform to the regulations, and assumed the followup and evaluation of SRR programs in the BIA.

Technical Discussion

The student rights and responsibilities school report instrument was designed with the selection of evaluation factors included in order to determine:

(1) If each school has developed basic guidelines for SRR as established in the 25 CFR, Part 35.

(2) If each school has incorporated basic guidelines as established in 62 BIAM 9.

School Report Forms were mailed to the Areas and distributed to each school from there. Management of the report forms within an Area was the responsibility of the Area Office. The completed reports were to have been returned to the IERC by August 1, 1975. Ultimately, 132 evaluation forms were returned and when analyzed, it reflected a strong profile of the total Federal school operations. A valid sample was obtained. A copy of the school report form and related correspondence is in the Appendix.

Some of the conferences and/or correspondence pertaining to student rights and responsibilities and disseminated from the IERC were as follows:

(1) STUDENT RIGHTS AND RESPONSIBILITIES CONFERENCE, Indian Education Resources Center, June 3-5, 1975. This conference was designed to discuss mutual problems in developing and implementing SRR programs; curriculum development for SRR; and share legal technicalities that had been encountered in the

various areas. The school report form was discussed with all of the participants at this conference.

(2) LAW-RELATED CURRICULUM GUIDES CONFERENCE, Indian Education Resources Center, June 25-27, 1975: This conference was designed to discuss mutual problems, share ideas, and discuss possible alternative solutions to SRR law-related curriculum development at all levels of instruction.

(3) STUDENT RIGHTS AND RESPONSIBILITIES MEMO, March 20, 1975: This memo listed all schools by Area. Each school that had submitted an SRR program were checked off the list with a (✓) mark. Schools that had not submitted an SRR program were not checked off. Also, at this time, the IERC included copies for each school of an "SRR Check Sheet." A copy of the check sheet is in the Appendix.

(4) Status reports were presented verbally to the Chief Area Education Officers Quarterly Conferences in July 1975 and September 1975.

To date, the IERC has received, reviewed, approved, and filed 206 Student Rights and Responsibilities Progarms for the Bureau of Indian Affairs out of a total of 222. These 206 programs represent a return of 92.79 percent. About the schools that have not submitted a program as of this date, it can be assumed they have not done so because:

The School does not feel it is necessary to write a program because of the customs in their community; the age of their school population; the extreme isolation of the community, or just plain misunderstanding of the requirement.

However, those 206 respondents that submitted a program in SRR performed admirably in conforming with 25 CFR, Part 35 and 62 BIAM 9 respectively.

A special thanks is extended to all those people who took time from their daily schedules to participate in the development and implementation of student rights and responsibilities for the youth in their communities, wherever they might live.

The illustrations in this report are based upon the response to the report form mailed to each Area with sufficient copies for each school on June 27, 1975.

Items 1,2,3,4, and 11 are grouped on one illustration. These questions required a "Yes" or "No" answer. The graph illustrates about 80 percent success for these five program factors.

Items 5,6,7, and 8 are grouped on another illustration. These statements and one question are quite interesting. For example, at no time does the word "appeal" appear in this evaluation. However, it would be interesting to find out about how many of the 1953 hearings and their decisions were appealed.

Item 9 is on a separate illustration. A total of 2325 students were provided help with the hearing and counseling procedures.

Item 10 is on a separate illustration. The major difficulty is indicated as a lack of understanding of parents concerning Due Process Procedures. The second major difficulty lies with the staff not understanding Due Process procedures.

Items 12, 13, and 14 are grouped on the last illustration. Number 12 indicates a weakness that must be remedied as soon as possible. More than 90 percent of the respondents indicate "not any" or "some" in the development of curriculum for SRR at the school level.

Item 2, "Other problems not mentioned," contained a list of problems too numerous to list on the illustration. The complete list of problems is as follows:

(1) Student Rights and Responsibilities was off; then on, but not finalized until May 1975.

(2) The staff was apprehensive.

(3) We conducted a workshop for parents and staff.

(4) The time required and the paper work involved in order to develop a student rights and responsibilities program.

(5) Insufficient experience in handling the procedures. (NOTE: 2 respondents to this item).

(6) Lack of parental response to notification sent to them by the school.

(7) Students are too young to understand (Kindergarten - 3).

(8) Coordination between the dormitory and public schools.

(9) Students on review board do not like to participate.

(10) Our children in this school are only 6-7 years old. No problems with SRR.

(11) NASBA is opposed to SRR.

(12) We do not use SRR in grades Kindergarten - 6.

(13) Outside activist groups have access to hearing; this is disruptive.

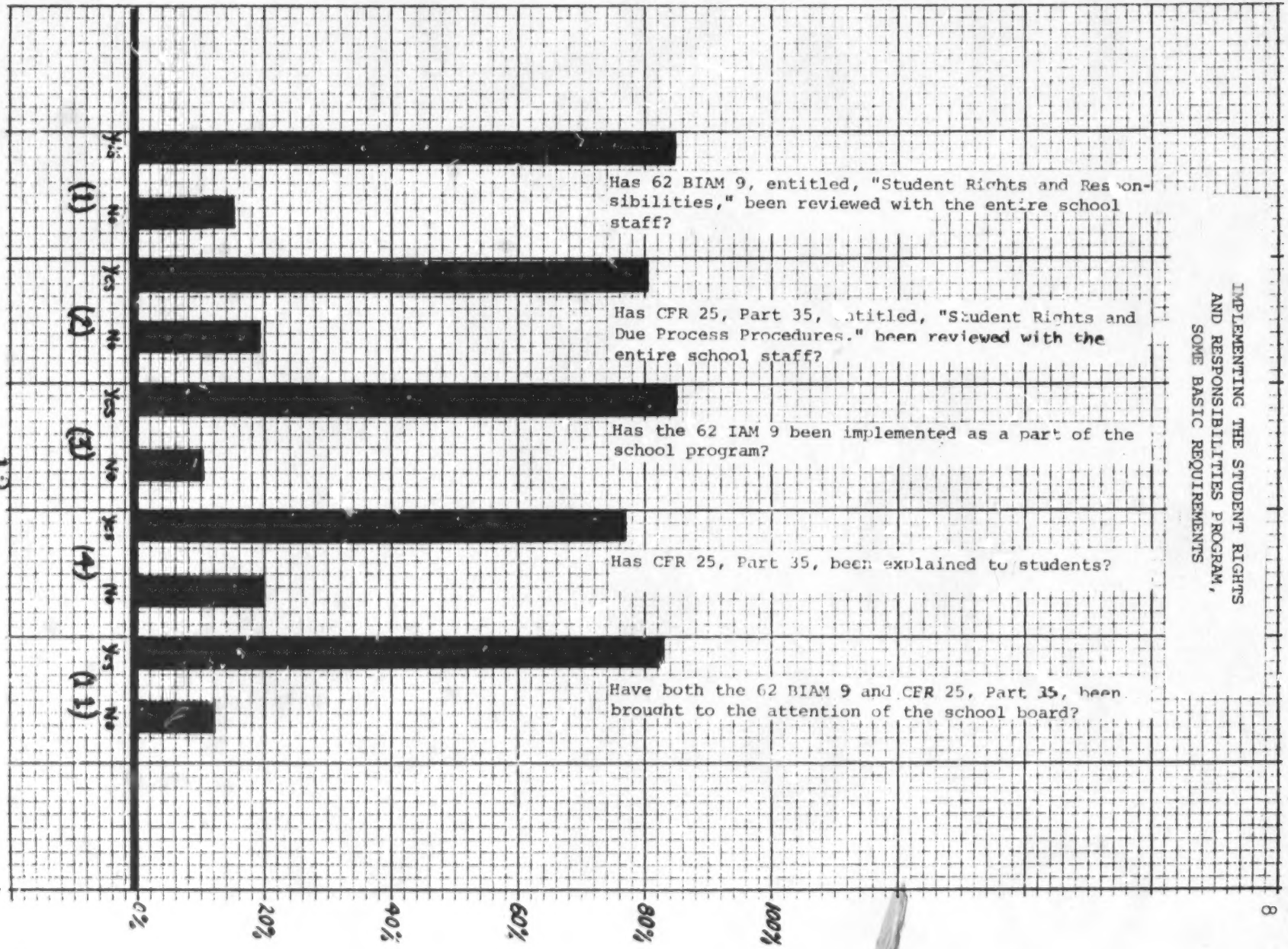
(14) A few staff members saw due process procedures as a threat to them personally.

(15) Our due process procedures will not be implemented until School Year 1975-76.

(16) Student problems were solved by mutual consent: "plea bargaining."

(17) Scheduling time so that all parties concerned with SRR could arrange meetings.

ILLUSTRATION ONE


IMPLEMENTING THE STUDENT RIGHTS AND RESPONSIBILITIES PROGRAM, SOME BASIC REQUIREMENTS
Has 62 BIAM 9, entitled, "Student Rights and Responsibilities," been reviewed with the entire school staff?
Has CFR 25, Part 35, entitled, "Student Rights and Due Process Procedures." been reviewed with the entire school staff?
Has the 62 IAM 9 been implemented as a part of the school program?
Has CFR 25, Part 35, been explained to students?
Have both the 62 BIAM 9 and CFR 25, Part 35, been brought to the attention of the school board?
(1) Yes No
(2) Yes No
(3) Yes No
(4) Yes No
(5) Yes No
0%
20%
40%
60%
80%
100%

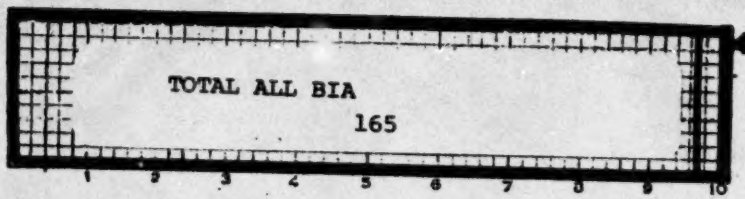


ILLUSTRATION TWO

Number of expulsions in which the Due Process procedures were used.

Number of suspensions in which the Due Process procedures were used.

ILLUSTRATION TWO

IMPLEMENTING PROCEDURAL DUE PROCESS,
INCIDENCE OF EXPULSIONS, SUSPENSIONS,
TRANSFERS, AND HEARINGS

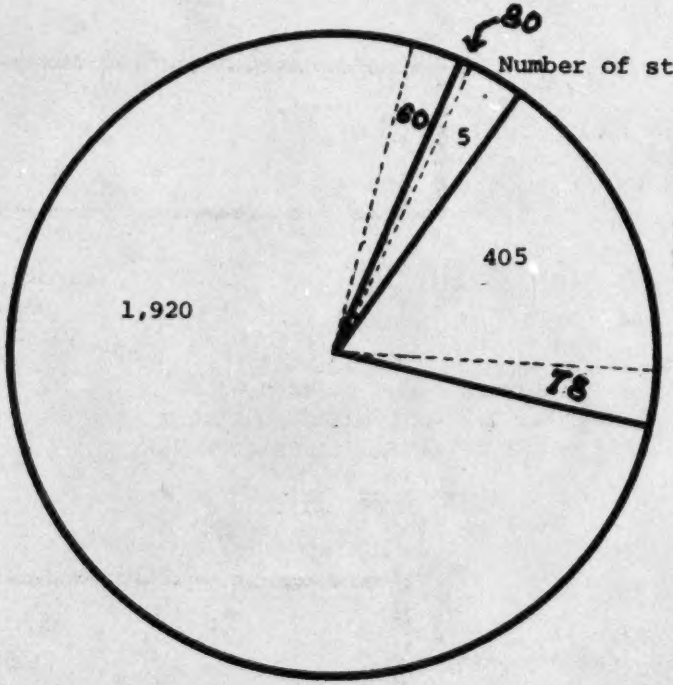
NOTE: Portion to the right of line in each graph indicates "No Response"

Number of transfers in which the Due Process procedures were used.

How many hearings were conducted at your school during the 1974-75 School Year?

ILLUSTRATION THREE

How many hearings and other counseling procedures resulted in positive actions that helped solve student problems?



NOTE: Dotted lines indicate "No Response" (NR) to these items.

ILLUSTRATION FOUR

What problems were encountered in using the new due process procedures?

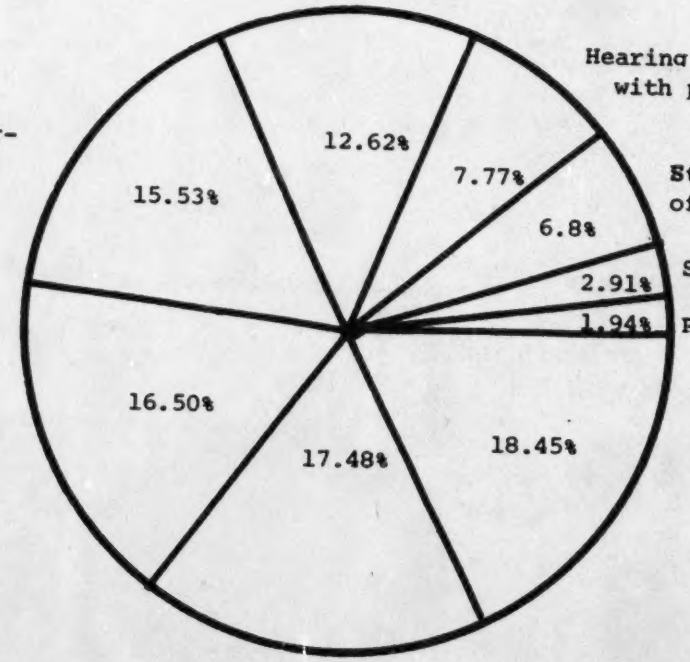
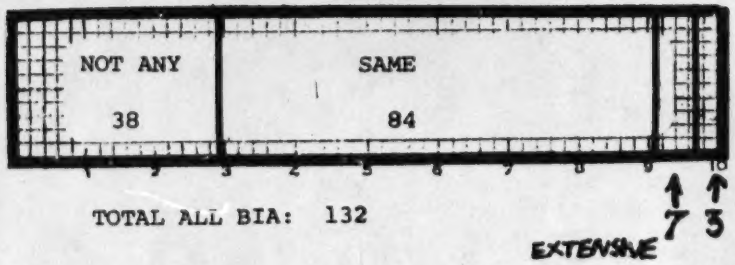


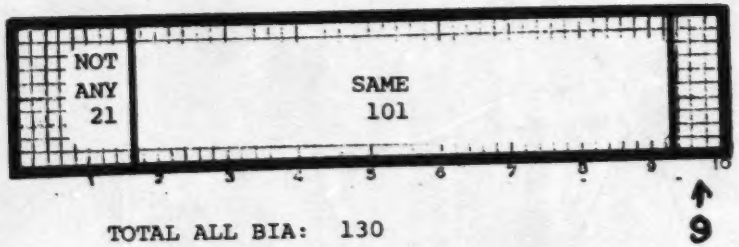
ILLUSTRATION FIVE

CURRICULUM DEVELOPMENT IN THE STUDENT RIGHTS AND RESPONSIBILITIES PROGRAM



What extent has your school been able to develop curriculum in Student Rights and Responsibilities for the 1974-75 School Year?

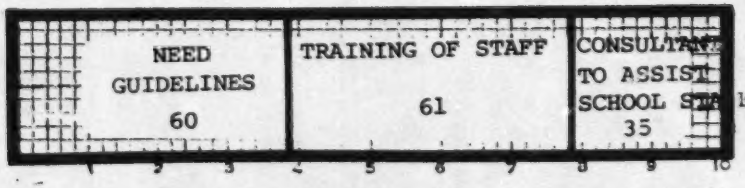
TOTAL ALL BIA: 132



Do you have any plans to do curriculum work in Student Rights and Responsibilities?

TOTAL ALL BIA: 130

NOTE: Portion to the right of line in each graph indicates "No Response"



What are your major needs in curriculum development for Student Rights and Responsibilities?

TOTAL ALL BIA: 156

F I N D I N G S

(1) The program has been successfully implemented in 80 percent of all BIA schools, dormitories, and contract schools.

(2) Student involvement reached over 75 percent implementation. This means that schools have made an effort to explain the program to the student.

(3) Procedural due process was extended to students throughout the BIA. Those procedures were used in situations regarding student expulsions, suspensions, and transfers.

(4) There was a very large number of official hearings reported (1,953) on a Bureauwide basis.

(5) Procedural due process has a positive side in that many students were helped by counseling in order to help solve problems as contrasted to the negative act of expulsion, suspension, or transfer.

(6) There are still many significant problems in the total progarm that remain to be worked out.

(7) There is a decided weakness in curriculum development regarding the total program. This refers to the incorporation of sub-system of the SRR in the school curriculum.

(8) Some elementary schools did not feel the need to participate in the program; however, geographic isolation cannot be used as an excuse for non-participation.

RECOMMENDATIONS

(1) While an 80 percent implementation is good, it should be 100 percent for the entire BIA and tribal contract schools. Special emphasis should be made by the BIA, at all levels, to achieve 100 percent implementation of the program.

(2) Additional training needs to be emphasized by the Central Office and Area Offices. (NOTE: Two Curriculum Bulletins have been made available to all schools and a one-day conference between BIA education officials and representatives from the Solicitor's Office was held February 25. Hence, follow-up on this need has already started).

(3) Additional research should be done to define in more detail the finding that 1,953 official student hearings were held. Though this is a total systemwide figure, it still appears large. A more detailed analysis is needed.

(4) Student involvement in the program needs to be strengthened.

(5) Curriculum development efforts should be strengthened. (This would include the Curriculum Bulletins and training aids mentioned above in Recommendation (2) and go beyond it.

(6) Special attention and work should be devoted to the program as it relates to the elementary schools.

APPENDIX A

SCHOOL CODES OF BEHAVIOR

62 BIAM 9 states:

9.2 Administrative Levels of Responsibility. The Bureau of Indian Affairs recognizes the importance of local development of Rules and Regulations which are relevant to the particular needs and concerns of the students and community. The schools, in turn, must abide by the legal system based on the Federal Constitution and transmitted to the people through other levels of government.

A. The Central Office Level: The Central Office is concerned with the development of guidelines for students rights and responsibilities programs that are consistent with the Constitution and relevant court decisions which have been handed down. It will undertake a continual review of the legal changes in this field and keep the Area Offices so informed. The Central Office will also maintain a current file of student rights and responsibilities programs on each Bureau school.

B. The Area Office Level: The Area Offices and Agencies should assist local schools in developing their Student rights and responsibilities programs and serve as a monitor to assure their full compliance with the law on all levels.

C. The Local Level: Specific student rights and responsibilities codes must be developed at the school level involving personnel and students. The School Administrator has the legal obligation to see that the program is conducted with thoroughness and integrity.

Release 62-3, 6/10/74.

APPENDIX B

REVIEW OF SCHOOL SRR PROGRAM

The basic guidelines for the Student Rights and Responsibilities programs are contained in the Code of Federal Regulations (CFR), and the Bureau of Indian Affairs Manual (BIAM). CFR 25, Part 35 and 62 BIAM 9 respectively, are the appropriate references for the programs. It is the schools' responsibility to prepare and coordinate the SRR document, review these parts and sections before submitting the Codes of Conduct to the Area Office, which in turn, will forward them to the Indian Education Resources Center in Albuquerque. We suggest that school officials and Area Office personnel review their school codes with the nearest Field or Regional Solicitor's office, if possible.

The "check sheet" is enclosed to assist school officials in reviewing programs and to determine if each program conforms with the aforementioned regulations and guidelines. Modifications should be made if programs do not conform with established criteria.

A copy of a "model" SRR program is also provided which could be used in the event questions of change should arise.

AREA OFFICE: _____ DATE: _____
SCHOOL: _____

Every School Code or Student Rights and Responsibilities program should include the following:

YES	NO	SRR CHECK LIST
☐	☐	Student Rights and Due Process Procedures.
☐	☐	Due process procedures for expulsions. (25 CFR, Part 35)
☐	☐	Due process procedures for suspensions. (25 CFR, Part 35)
☐	☐	Due process procedures for transfers. (25 CFR, Part 35)
☐	☐	Established procedures for a hearing panel. (25 CFR, Part 35)
☐	☐	Provision for a written notice of charges to both parents and student (25 CFR, Part 35)
☐	☐	Provision to provide counsel for the student (25 CFR, Part 35)
☐	☐	Rights of students to cross-examine witnesses. (25 CFR, Part 35)
☐	☐	Provision to provide an accurate record of the hearing. (25 CFR, Part 35)
☐	☐	The right to administrative review and appeal. (25 CFR, Part 35)
☐		No items received.

COMMENTS: _____

INSTRUCTIONS FOR STUDENT RIGHTS AND RESPONSIBILITIES SCHOOL REPORT

The basic guidelines for the Student Rights and Responsibilities program are contained in the Code of Federal Regulations (CFR) and the Bureau of Indian Affairs Field Manual (BIAM). CFR 25, Part 35 and 62 BIAM 9 respectively, are the appropriate references for the program. It is recommended that Area and school officials responsible for completing the report review these parts and sections prior to working on the School Report.

The information requested on the report form is straightforward and minimal. Indications are that Areas and schools have in some instances done evaluation work beyond the minimum. If possible, please attach additional information that you feel would add to the evaluation process. If you have suggestions for program improvement, please include them in your school report.

Those officials signing the report should be able to attest to its accuracy and completeness. While there is no special preference as to who completes the report, it is suggested that it be done by the school superintendent or the equivalent.

School Report forms will be forwarded to the Area Offices and distributed to schools from there. Management of the Report forms within an Area is the responsibility of the Area Office. Central Office Education, Indian Education Resources Center, would like to have the completed reports back in Albuquerque by August 1, 1975. Please mail reports to:

Administrator
Indian Education Resources Center
P. O. Box 1788
Albuquerque, New Mexico 87103

Attention: Division of Evaluation,
Research, and Development

Questions pertaining to the report may be referred to (505) 766-3354.

BUREAU OF INDIAN AFFAIRS
STUDENT RIGHTS AND RESPONSIBILITIES
SCHOOL REPORT 1974-75

NAME OF SCHOOL: _____ *DATE:* _____

AREA: _____

NAME AND POSITION OF SCHOOL OFFICIAL COMPLETING REPORT:

_____ _____
(NAME) *(POSITION)*

(1) Has 62 BIAM 9, entitled, "Student Rights and Responsibilities," been reviewed with the entire school staff?

_____ *Yes* *If answer is no, please explain:* _____

_____ *No* _____

(2) Has CFR 25, Part 35, entitled, "Student Rights and Due Process Procedures," been reviewed with the entire school staff?

_____ *Yes* *If answer is no, please explain:* _____

_____ *No* _____

(3) Has the 62 IAM 9 been implemented as a part of the school program?

_____ *Yes* *If answer is no, please explain:* _____

_____ *No* _____

(4) Has CFR 25, Part 35, been explained to students?

_____ *Yes*

_____ *No*

To what extent has the CFR 25, Part 35, "Due Process" been used this school year (1974-75)?

(5) List the number of explusions in which the Due Process procedures were used:

_____

(6) List the number of suspensions in which the Due Process procedures were used:

_____

(7) List the number of transfers in which the Due Process procedures were used:

_____

(8) How many hearings were conducted at your school during the 1974-75 School Year? Number of Hearings: _____

(9) How many hearings and other counseling procedures resulted in positive actions that helped solve student problems?

Number of students helped by procedure: _____

(Continued on back)

(10) *What problems were encountered in using the new Due Process procedures? (Check Appropriate items)*

_____ *Staff was not familiar with procedures*

_____ *Students misunderstood procedures*

_____ *Hearing Panel not familiar with procedures*

_____ *Parents did not understand procedures*

_____ *Students were not aware of procedures*

_____ *Procedures lack sufficient detail*

_____ *Procedures are too detailed*

_____ *Student representatives who were staff members present a problem*

Other problems not mentioned above: _____

_____

(11) *Have both the 62 BIAM 9 and CFR 25, Part 35, been brought to the attention of the school board?*

_____*Yes* *If no, please explain:* _____

_____*No* _____

(12) *To what extent has your school been able to develop curriculum in Student Rights and Responsibilities for the 1974-75 School Year?*

_____ *Not any*

_____ *Some*

_____ *Curriculum development work has been extensive*

(13) *Do you have any plans to do curriculum work in Student Rights and Responsibilities?*

_____ *Not any*

_____ *Some*

(14) *What are your major needs in curriculum development for Student Rights and Responsibilities? (Check appropriate items)*

_____ *Need guidelines*

_____ *Could use consultants to assist school staff*

_____ *Training of staff*

Please list additional needs: _____

_____